

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-cv-612-RJC-DSC

J&J SPORTS PRODUCTIONS, INC., )  
  )  
Plaintiff, )  
  )  
   vs. )  ORDER  
  )  
EVIS ROMERO DEL CARMEN, et. al., )  
  )  
Defendants. )  
  )  
\_\_\_\_\_

**THIS MATTER** comes before the Court sua sponte. Plaintiff filed its Complaint on September 17, 2012. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of the Court on September 18, 2012 for service of the Complaint on Defendant. (Doc. No. 3).

On July 9, 2013, this Court issued an order sua sponte ordering Plaintiff to serve the Complaint and provide proof of service to the Court within such period. (Doc. 4). On the same day, Plaintiff filed for an extension of time to serve the Defendant. (Doc. 5). On July 15, 2013, the Magistrate Judge granted Plaintiff a one hundred and twenty (120) day extension – until November 7, 2013 – to serve Defendant.

This deadline has long since passed and the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant, nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the

court must extend the time for service for an appropriate period.

Plaintiff has had almost eighteen (18) months to serve its Complaint on Defendant. The Court has already once had to remind Plaintiff of the service requirements and has granted a long extension which passed without notice from Plaintiff. Plaintiff has not requested an additional extension. The time for service has now expired and the Court hereby **DISMISSES** this case without prejudice for failure to comply with the requirements of Rule 4(m). FED. R. CIV. P. 4(m).

**IT IS, THEREFORE, ORDERED** that Plaintiff's claim is **DISMISSED without prejudice**. The Clerk of Court is directed to close this case.

  
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Robert J. Conrad, Jr.  
United States District Judge

